

REMARKS

The office action suggests that claims 1-6 and 11 are anticipated by Leibu. Nonetheless, Leibu is apparently supplemented by the Bluetooth specification. The apparent basis for this substitution is the fact that the reference to Leibu mentions the Bluetooth specification.

One problem with all of this is that we do not know what Bluetooth specification Leibu, or for that matter the office action, is referring to. As shown from the attached sheet, there are a number of Bluetooth specifications. Most of those Bluetooth specifications do not have a date early enough to constitute prior art. Moreover, the core specification, dated in 2004 and, therefore, not prior art, has a page 2 which is blank.

The problem is complicated by the fact that the cited Bluetooth specification in the office action is not of record. There is simply no way to know what Bluetooth specification is being referred to, either in the office action or the reference. Since the office action fails to specifically identify the asserted prior art, the office action should be withdrawn.

The cited reference to Leibu has absolutely no discussion of what either the link manager or host controller interface does. It merely mentions it has them. Therefore, Leibu alone is insufficient to make out a *prima facie* rejection under Section 102. Even if Leibu could somehow be supplemented by the Bluetooth specification, it would have to be a version of the Bluetooth specification existent prior to October 3, 2001 and the Office would have to show that the Bluetooth specification referred to by Leibu is the one that would be relied on by the Office. For example, if there are some Bluetooth specifications that were existent at the time of Leibu's application that do not teach the claimed invention, the mere reference to Bluetooth in the abstract could not possibly be enough to make out a *prima facie* rejection because there is no way to know which Bluetooth specification Leibu was referring to.

While the rejection relies on the Bluetooth specification unspecified with respect to the operation of the HCI firmware, with respect to the statewide state of the device, there is simply a reference to "as per Bluetooth specific standard." The citation at column 3, lines 5-32 and Figures 3 and 4 of the reference is insufficient because all this language talks about is merely the mention that a link manager and HCI firmware are in the patent. What they do is never explained. Thus, the reference is non-specific at the claimed invention and, therefore, is insufficient as a reference. Even if the rejection relies on the Bluetooth specification with respect

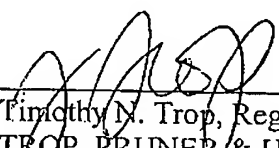
to one of the two of the link manager and the HCI firmware, the other cannot be supported by the Leibniz reference since he never says anything about how the link manager or the HCI firmware is used.

The rejection of claims 7-10 and 12-15 is not understood. It is apparently deduced from the fact that Lundsford teaches short range communication central processor that "it would have been obvious to artisan of ordinary skill in the art at the time of the invention made to store instructions in memory for the processor." The pertinence of this remark is not understood since claim 7 calls for storing instructions "that enable the processor-based system to initiate communications with connection and link management." The material in quotes here is not addressed in the office action, nor or any of the other elements of the rejected dependent claims.

Reconsideration would be appropriate.

Respectfully submitted,

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